

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 087198
ORIGIN OES-07

INFO OCT-01 ARA-10 IO-13 ISO-00 L-03 NSF-01 PM-05
DODE-00 EB-08 CA-01 SCS-06 H-01 INR-10 DLOS-09
CG-00 DOTE-00 SS-15 TRSE-00 COME-00 CIAE-00
NSAE-00 /090 R

DRAFTED BY OES/OFA/MST:WERB:MJB
APPROVED BY OES/OFA/MST:WERB
OES/OFA/OCA - MR. BUSBY
OES/OFA/FA - MR. HALLMAN
L/OES - MR. COLSON
ARA/AND/P - MR. KEMP
ARA/RPP - C. FINAN
OES/OFA/MST - MR. SULLIVAN
-----122903 051409Z /41

P R 051355Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY LIMA PRIORITY
INFO AMEMBASSY BOGOTA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY QUITO
AMEMBASSY SANTIAGO
AMCONSUL GUAYAQUIL
USMISSION GENEVA

LIMITED OFFICIAL USE STATE 087198

E.O. 11652: N/A

TAGS: TOCY, PE, EFIS, PLOS

SUBJECT: GOP REGULATIONS ON SHIP POSITION REPORTS WITHIN
200 MILE ZONE

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 087198

REF: LIMA 2443

1. IN RESPONSE TO REFTTEL, DEPT WILL DISSEMINATE PERUVIAN
REGULATION ON REPORTING REQUIREMENT WHEN POUCHED INFO IS
RECEIVED. HOWEVER, DEPT CANNOT RECOMMEND COMPLIANCE WITH
REGULATION BECAUSE THE U.S. DOES NOT RECOGNIZE COASTAL
STATE JURISDICTION OVER SCIENTIFIC RESEARCH OR FISHING

FOR TUNA BEYOND 3 N.M. A REQUIREMENT FOR A VESSEL TO REPORT ITS POSITION IN A ZONE BEYOND 3 MILES WOULD BE IN DIRECT CONFLICT WITH OUR LONG-STANDING LEGAL POSITION REGARDING UNIMPEDED TRANSIT ON THE HIGH SEAS.

2. U.S. PUBLIC VESSELS WILL BE EXPLICITLY INSTRUCTED NOT TO COMPLY WITH GOP REQUIREMENT; HOWEVER, PRIVATE VESSELS WILL HAVE THE OPTION OF CHOOSING COMPLIANCE OR NOT. DEPENDING ON THE RADIO FREQUENCIES DESIGNATED SOME VESSELS MAY NOT BE ABLE TO REPORT BECAUSE OF LIMITED COMMUNICATIONS EQUIPMENT. IF COMMERCIAL STATIONS, RATHER THAN NAVY OR GOVERNMENT, ARE REQUIRED FOR TRANSMISSION THERE MAY BE EXCESSIVE CHARGES FOR USE OF COMMERCIAL FACILITIES.

POUCHED MATERIAL SHOULD CLARIFY THIS.

3. AS EMBASSY IS AWARE, USG POLICY RE TUNA LICENSE PURCHASES IS THAT DECISION TO BUY LICENSE IS STRICTLY COMMERCIAL DECISION TO BE MADE BY VESSEL OWNERS. USG DOES NOT DISCOURAGE OR ENCOURAGE SUCH PURCHASES. DEPT BELIEVES IT LIKELY THAT VESSELS THAT CHOOSE TO PURCHASE LICENSES WOULD PROBABLY REPORT POSITIONS AND THAT VESSELS THAT DO NOT MAKE PURCHASE WOULD OBVIOUSLY NOT REPORT.

4. A. BEGIN FYI: PRACTICALLY, POSITION REPORTING COULD PROBABLY BE EASILY COMPLIED WITH BY VESSEL OPERATORS. LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 087198

UTILITY OF REPORTING IS QUESTIONABLE AND SOME OPERATORS WOULD BE LIMITED BY EQUIPMENT OR WEATHER CONDITIONS. ONE OPERATOR HAS SUGGESTED THAT PERU SHOULD REQUIRE REPORTING OF WEATHER OBSERVATIONS AS THIS INFORMATION WOULD AT LEAST BE USEFUL. OUR MAJOR PROBLEM IS NON-RECOGNITION OF PERU'S CLAIM TO A 200 MILE TERRITORIAL SEA; COMPLIANCE WITH REQUIREMENTS BASED ON THE 200 MILE ZONE WOULD GIVE RECOGNITION TO THEIR CLAIM.

B. VESSELS SEIZED AND FINED FOR NON-COMPLIANCE WOULD PROBABLY BE COMPENSATED UNDER THE FISHERMEN'S PROTECTIVE ACT OF 1967. THE ACT PROVIDES FOR COMPENSATION IF A U.S. VESSEL IS SEIZED BY A FOREIGN COUNTRY ON THE BASIS OF RIGHTS OR CLAIMS IN TERRITORIAL WATERS OR THE HIGH SEAS WHICH ARE NOT RECOGNIZED BY THE U.S. END FYI.

5. FOR THE R/V KNORR CRUISE WHICH IS ALMOST COMPLETED COMPLIANCE IS NOT POSSIBLE SINCE NOTICE OF THE REQUIREMENT WAS JUST RECEIVED AND WE HAVE NOT YET RECEIVED PARTICULARS ON REPORTING PROCEDURES AND FREQUENCIES.

6. ACTION: BASED ON HISTORICAL PERFORMANCE OF GOP IN

ENFORCING REQUIREMENTS PERTAINING TO RESEARCH OFF THEIR
COAST OUR BEST APPROACH MIGHT BE TO SIMPLY IGNORE REPORT-
ING REQUIREMENTS. GOP, IF CONFRONTED WITH U.S. JURIDI-
CAL ARGUMENTS FOR NON-COMPLIANCE, MAY FEEL THE NEED TO
STRICTLY ENFORCE REQUIREMENT. OUR JURIDICAL DILEMMA
WITH REQUIREMENT, WHICH EMBASSY COULD PROBABLY NOT RE-
SOLVE WITH GOP, WOULD RESULT IN MOST U.S. RESEARCH OFF
PERU BEING CANCELLED. IN OUR VIEW, THERE HAVE BEEN SOME
VERY SUCCESSFUL PROJECTS CONDUCTED OFF PERU, A PRIME
EXAMPLE IS THE COASTAL UPWELLING ECOSYSTEMS ANALYSIS
PROJECT CONDUCTED UNDER THE AUSPICES OF THE IDOE PROGRAM.
THE PRACTICAL PROBLEM OF UNAVAILABILITY OF PROPER RADIO
FREQUENCIES WOULD BE A FAIRLY WEAK ARGUMENT. THEREFORE,
EMBASSY IS REQUESTED TO EVALUATE RECOMMENDATION TO IGNORE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 087198

REQUIREMENT AND TO REPORT TO US YOUR AGREEMENT OR YOUR
RECOMMENDATIONS FOR ACTION. VANCE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REGULATIONS, TWO HUNDRED MILE LIMIT, OCEANOGRAPHIC RESEARCH, SHIP MOVEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE087198
Document Source: CORE
Document Unique ID: 00
Drafter: WERB:MJB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780147-0105
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780489/aaaacxud.tel
Line Count: 139
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2bfaedb5-c288-dd11-92da-001cc4696bcc
Office: ORIGIN OES
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 LIMA 2443
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3064296
Secure: OPEN
Status: NATIVE
Subject: GOP REGULATIONS ON SHIP POSITION REPORTS WITH;N 200 MILE ZONE LIMITED OFFICIAL USE
TAGS: TOCY, EFIS, PLOS, PE
To: LIMA
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/2bfaedb5-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014